the very cogent reasons my friend has given in support of the position he has taken up, though we may not be prepared to go to the extent he has gone. But how far we ought to render assistance to the planter in his business transactions and how far we shall protect the interests of the labourer are all questions which have to be discussed and threshed out at a later stage and I have no doubt that the Select Committee to which this Bill may be referred and the Council at the time of discussing the details will fully consider these aspects of the question.

Mr. Rajaram Row.—Sir, After hearing the criticisms of my friends who have spoken against the Bill, I beg permission to say a few words by way of reply. The piece of legislation which we have undertaken is put down as an attempt at the re-enactment of slavery, and it is said that in England it would never be thought of. From the explanation I have already given and from a careful perusal of the various sections of the Bill, it will be seen that the coolie working on the estates is provided with comforts and conveniences which he cannot possess even in his own village or home and that any interference with his rights or liberties has been made penal, and that every facility has been given him for complaining when such interference is attempted. It should be remembered that the coolie leaves his home and goes to work on the estates of his own free will and choice, and if he feared that it is slavery he would be subjected to, he will be the last person who will go there. He also goes there after receiving advances of money from the employer, and as was remarked by the Hon'ble Mr. Stokes when he had to answer similar criticisms, "the planting industry is not a charitable concern, it is a business concern and "must be looked at not only from one side but from both sides. This Bill en- "deavours to look at it from both sides—the side of the planter and the side of "the labourer."

With regard to the next observation, I am not oblivious of the fact that such a law as we are trying to pass will not be thought of in England, for, the conditions there do not require it, but I do not see why we should travel so far away when next door to us in Southern India, where the conditions are analogous to ours, and from where therefore we often borrow our legislation, we have a law of which the present Bill is only a reproduction. Were the conditions in Southern India and Travancore to change to what they are in England, the necessity for this enactment might probably cease and it may then be time to strike it off our Statute book. I again move that the Bill be read in Council and that its principle be affirmed.

The Council having affirmed the principle of the Bill Mr. Rajaram Row proposed that the Bill be referred to a Select Committee consisting of Messrs. Govinda Pillai, Kesava Pillai, Vieyra, Ramier, Sesha Aiyar and the Mover, to report within two months.

Seconded by Mr. Kuruvila.

Carried.

LUNACY BILL.

Mr. Govinda Pillai.—I beg to propose that the Lunacy Bill which has now reached its final stage be next taken up. We have received no notice of any amendments to the Bill. I would therefore move that the Bill be passed.

Seconded by Mr. Ramier.

Mr. Mahadeva Aiyar.—With the permission of the President, I beg to draw the attention of the Council to what appears to be an inadvertent omission. Sections 16 and 17 impose upon guardians certain duties in the way of seeking the permission of the Court when they have to alienate the property of lunatics in certain cases and furnishing an inventory and annual accounts to the Court. But there is no provision for enforcing these duties. In the British Act XXXV of 1858 from which these sections have been taken, there is a separate section (section 19) which provides penalties for neglect or refusal to furnish the inventory and accounts. It is necessary to provide not only for the due performance of the duties enjoined by these sections but also against disobedience of the Court's order under these sections. I would therefore propose that the following para be added at the end of section 17 :—

LIBRARY ARCHIVES Kerala Legislative Assembly

"A disobedience of the provisions of this section or section 16 or of orders passed thereunder may be punished with fine up to two hundred rupees or with simple imprisonment for a period not exceeding one month."

Seconded by Mr. Govinda Pillai.

Carried.

Mr. Govinda Pillai.—I beg to propose that the Bill as now amended be passed into law and that it come into force from the 1st day of Kumbhom 1080.

The motion was put and agreed to.

BREACH OF CONTRACT REGULATION AMENDMENT BILL.

Mr. Rajaram Row.—No notice of amendments having been received, I beg to move that the Bill as amended by the Council at the last meeting be passed into law.

Seconded by Mr. Mahadeva Aiyar.

The motion was put and agreed to.

At this stage, the Council resolved to postpone the consideration of the other items on the Agenda to the following day at 3 P. M.

The Council adjourned at 2–30 P. M.

LIBRARY ARCHIVES Kerala Legislative Assembly